



Arlington Conservation Commission

Date: September 5, 2019

Time: 7:30pm

Location: Second floor conference room, Town Hall Annex
730 Massachusetts Ave, Arlington, MA

Minutes

Attendance: Commission Members David White, Nathaniel Stevens, Chuck Tirone, Mike Nonni, Susan Chapnick and Pam Heidell; Associate Commissioner Cathy Garnett; and Conservation Agent Emily Sullivan. Also present were Nick Iacuzio, Connor Klein, Kris Newton, Bill Eykamp, Judith Russo Stickter, Alice Trexler, Downing Cless, Richard Schmeidler, Fiona Howard, Amy Meadows, Scott Meadows, Alex Bilsky, Karen Grossman, Addie Dublin, Lynn Rosenbaum, Susan Stamps, Mara Vatz, Kevin Guiney, Jana Chaudhuri, Anne Clarke-Lauer, Scott Seaver, Steve DeCorcey, Steve Ricci, Frances Ross, Brian Batthello, Dan Klebanov, Colin Blair, Lisa Charles, David Charles, Bill Copithorne, Clarissa Rowe, Bishal Mairalo, Mary Trudeau, Laura Hopkins, Patricia Worden, JoAnne Preston, Brad Barber, Daniel Padien, Peter Howard, Lauren Caputo, Bryan Cordeiro, Rich Kirby, Frank Balurdi, and Laura Notman.

08/15/2019 Meeting Minutes

The Commission agreed to postpone reviewing the 8/15/2019 minutes until the 9/19/2019 meeting.

Town Day 2019

E. Sullivan stated that she will prepare the appropriate documents for Town Day and send out a poll to schedule Commissioners and volunteers for managing the conservation booth.

Scout Project Review - Arlmont Conservation Land

Scout C. Klein summarized his proposed project at the Arlmont Conservation Land. The goal of the scout project is to redo the pathway that goes through the conservation land, adjacent to the Route 2 footbridge. Path work will include widening the path, installing a geo-fabric, and placing crushed stone along the path. C. Klein also proposed installing steps at a steep area of the path, similar to the steps installed at Window On The Mystic Conservation Land. The project

would begin at the end of September and be completed by the end of October, with most work occurring on the weekends.

D. White made suggestions to the project regarding erosion control and stormwater runoff controls. M. Nonni recommended local companies that may support or donate to the project. S. Chapnick motioned to proceed with the project as presented, C. Tirone seconded, all were in favor, motion approved.

Notice of Intent - Deliberation (hearing closed on 7/25/2019): 47 Spy Pond Lane Lot 1/A

Documents Reviewed:

- 1) Notice of Intent for work at 47 Spy Pond Lane (Lot 1/Lot A), Arlington, MA, signed July 9, 2019 by Mary Trudeau; Applicant: Scott Seaver of Seaver Construction, Woburn, MA and Representative: Mary Trudeau of Lexington, MA, and including:
 - a. July 8, 2016 letter from Division of Fisheries and Wildlife
 - b. Notice of Intent Filing Memorandum: Habitat Value within Adjacent Upland Resource Area
 - c. Notice of Intent Filing: Description of Work
 - d. Contech Engineered Solutions details for Vortechs 2000 Unit
 - e. Notice of Intent Filing - Impact and Alternatives Analysis and Compliance with Bylaw Provisions
 - f. Energy Efficient Home Features
 - g. Construction Period Stormwater Operation & Maintenance Plan
 - h. Post-Construction Construction Stormwater Operation & Maintenance Plan
 - i. MassDEP Superseding Order of Conditions/Approval Cover Letter
 - j. MassDEP Superseding Order of Conditions/Approval Permit and Special Conditions
- 2) "Proposed Site Plan in Arlington, Mass." showing Lot 1 by Keenan Survey of Winchester, MA, scale 1:10, stamped by James Richard Keenan PLS #30751, dated November 7, 2018, revised June 11, 2019
- 3) "Planting Plan in Arlington, Mass." showing Lot 1 by Keenan Survey of Winchester, MA, scale 1:10, stamped by James Richard Keenan PLS #30751, dated November 7, 2018, revised June 11, 2019
- 4) "Proposed Site Plan in Arlington, Mass." showing Cross Section A-A of Lot 1 by Seaver Construction of Woburn, MA, scale 1:20, dated June 10, 2019, unstamped
- 5) Drainage analysis for 47 Spy Pond Lane Lot 1/A, prepared by Alan Engineering, signed by Mark A. Sleger PE #34407, dated June 28, 2016
- 6) Pavement Cost Estimate for Watershed Contributing to Vortech Unit, prepared by Mary Trudeau, dated June 26, 2019
- 7) Roof Drain Details for 47 Spy Pond Lane Lot 1 Arlington MA, prepared by Alan Engineering, stamped by Mark A. Sleger PE #34407, dated June 25, 2019

- 8) Recent Construction Analysis for 47 Spy Pond Lane Lot 1/A, prepared by William F. Copithorne ABR CRS GRI CRS of Sweeney & O'Connell Real Estate, dated July 11, 2019
- 9) 47 Spy Pond Lane - Lot 1 Stormwater Review, prepared by Wayne A. Chouinard PE Arlington Town Engineer, dated July 9, 2019
- 10) Comparison of the 2016, 2-17, 2018, and 2019 NOIs submitted for 47 Spy Pond Lane Lot 1/A, submitted by Mary Trudeau, not dated
- 11) All relevant documents submitted during the prior hearings and working session(s) were incorporated by reference
- 12) Memorandum RE: Seaver Construction NOI: Alternatives Analysis Interpretation, prepared by Town Counsel D. Heim, dated 6/19/2019
- 13) Memorandum RE: Commission Role & Authority Over Third Party Misconduct, prepared by Town Counsel D. Heim, dated 9/4/2019

Resource Areas:

- 1) Spy Pond
- 2) 100-Foot Wetlands Buffer Zone
- 3) Adjacent Upland Resource Area
- 4) Bordering Land Subject to Flooding
- 5) Bank

N. Stevens made the following address at the start of the deliberation:

" Before we resume deliberations on the NOI for 47 SPL, I would like to address a situation that has come up. Due to its nature, I've written down what I want to say.

I asked Town Counsel for advice and he kindly provided a memo that Emily distributed yesterday. Emily has paper copies if you need it or folks in audience want a copy after I finish my remarks.

As some of you know, the situation appears to be that one of the owners - or trustees of the trust that owns 47 Spy Pond Lane - allegedly committed a terrible crime against the property of someone in the Spy Pond Lane neighborhood during our hearings on the current NOI. The victim of the crime had provided comments to the Conservation Commission in opposition to this and prior versions of the project.

We are not a law enforcement agency. And while we do not know the motive for certain, the inference is that the crime was done in retaliation for speaking out against the project. Let me say how disturbed and sadden I was when I first learned of this, and wish to express my sympathy for the people who were victimized.

Emily and I first learned of the report to the police and the police investigation just before our July 25 hearing. While the alleged crimes may seem obvious in some ways, we were mindful that an active criminal investigation had been opened, and that it could be harmful to

distribute information and speak about such a matter prematurely. Out of an abundance of caution for everyone's safety, we arranged to have a police officer nearby in case needed. You may have seen her in the parking lot. We have again arranged for another officer to be nearby this evening.

Since our July 25 meeting, the Arlington police continued their investigation and referred the matter to the District Attorney's office and the suspect is set to be arraigned in court on September 21st, though it could be earlier on the 10th.

Please know that an arraignment is not a conviction.

Some members of the community have asked what the Commission can do and even suggested that we postpone our deliberations scheduled for this evening.

Emily and I asked Town Counsel for advice and spoke with him yesterday at length. His advice, as detailed in the memo, is to proceed as planned. Just as the Commission does not decide property owner disputes, we do not have the tools or authority to investigate and prosecute such a crime and then meet out a punishment, or account for it within our deliberations. Please know that if we had such authority, I would be the first to recommend that we exercise it fully as we do not condone criminal or any wrong acts in retaliation for speaking at one of our hearings and we are sympathetic to the victims.

It is my understanding that there is no connection between the alleged events and the Applicant.

It is also my understanding that the charges presented at arraignment are likely to factor in the alleged retaliatory nature of the crime. While it may not entirely satisfy me, my fellow commissioners, the victims, or the public, it is important to note that law enforcement is pursuing the matter as one of retaliation for the exercise of the important rights we all share: to speak on matters at public hearings.

The only thing the Commission has the authority to do is take enforcement against the suspect if the crime altered resource areas; we could seek restoration of the resource area. We would have to do our own investigation first, though it is my understanding that the victim has relevant information and also that we will - eventually - have access to further information associated with a pending criminal investigation and prosecution.

As the hearing is closed, we will not be taking questions and comments from the public as is our normal practice. If Conservation Commission

members have questions now about this situation and how we should proceed, we can discuss.

Anyone is welcome to discuss this with me after tonight's meeting."

N. Stevens read the minutes from the Commission's 7/25/2019 hearing where S. Chapnick summarized her comments on this NOI.

P. Heidell stated that it was unfortunate that the Applicant did not present a smaller footprint. P. Heidell stated that the Commission does not have a 100-foot no build zone, and that the Commission regularly approves building within the 100-foot wetlands buffer and adjacent upland resource area. P. Heidell referenced the recent Massachusetts Association of Conservation Commissions' Buffer Zone Guidebook, stating that considering the water quality issues at Spy Pond, the proposed mitigation efforts of this project, including the vegetated 25-foot buffer zone and stormwater quality units (both on-site and off-site) were beneficial. P. Heidell stated that she would support the approval of this proposal with appropriate conditions.

C. Tirone stated that the Applicant did not overcome the cumulative impacts the project will have on the wetland values. C. Tirone stated that the 25-foot vegetated buffer would be fragmented by the 8-foot wide path, pedestrian traffic in the vegetated buffer and relocation of the dock. C. Tirone stated that the Applicant was unwilling to reduce the size and scope of the proposal to reduce cumulative impacts. C. Tirone stated that without these changes he would not support the approval of the proposal, and that the homes presented on Lots 1/A and 2/B were too big to protect the interests of surrounding land, other homes and buildings and wildlife.

D. White stated that this iteration of the NOI was an improvement, but that a smaller footprint to save the sycamore tree would be preferable.

S. Chapnick noted that C. Tirone's point about cumulative impacts was important to consider. S. Chapnick stated that she struggled with this proposal because the Commission has approved projects with similar impacts very recently, but perhaps the Commission could look into cumulative impacts in the future. S. Chapnick also noted that Associate Commissioner C. Garnett would aid in this conversation by providing facts on the efficacy of buffer zone mitigation plantings around Spy Pond, for projects previously approved by the Commission.

C. Tirone stated that cumulative effect is part of our regulations and the Commission should not wait for the future to change how it deliberates on this proposal.

P. Heidell suggested that if the Commission would like to change how it deliberates, it should change its regulations so that parcels with structures are reviewed with different standards than parcels without structures.

C. Tirone stated that the 25-foot vegetated buffer is fragmented with human activities and would not be an isolated habitat and therefore greatly reduces its beneficial impact to the resource area, a mature sycamore tree will be removed and that the project only mitigates for stormwater runoff. S. Chapnick and M. Nonni stated that they disagreed.

M. Nonni stated that this proposal was a dramatic improvement to previous proposals. This proposal includes multiple mitigation measures, pushes the proposed structure away from the pond, and reduces the size of the proposed structure. M. Nonni stated that any development on the parcel would require the removal of the sycamore as the root system would be damaged.

C. Tirone stated that the Commission should try to save the sycamore as stated in section 25A.(1). N. Stevens stated that the Commission's regulations allow for vegetation removal and replacement.

N. Stevens stated that he agrees with P. Heidell, S. Chapnick, and M. Nonni.

C. Tirone stated that the dock improperly used would be a possible introduction point for aquatic invasive species. C. Tirone stated that the 25-foot vegetated buffer would not be a true isolated buffer, but it would be an area of high human activity.

S. Chapnick stated that there are existing docks all along Spy Pond. C. Tirone stated that this proposal should not be compared to existing conditions not before us, but should be used as an opportunity for the Commission to look to the future of Spy Pond, and how it deliberates developments cumulative impact around Spy Pond.

P. Heidell suggested increasing the width of the vegetated buffer through permit conditions. C. Tirone stated that while that would be beneficial, he also wants the Applicant to change the proposed home to a smaller footprint.

S. Chapnick stated that she was frustrated with this process and with the amount of time it took for the Commission to review. S. Chapnick stated that although she did not agree with process of how the Applicant made significant project changes only after the Commission denied the NOI's, she has the responsibility as a Conservation Commissioner to put aside her feelings about the Applicant and focus on the extent of negative impacts the proposal has on resource areas. S. Chapnick stated that she then has the responsibility to determine whether the proposed mitigation measures actually mitigate the negative impacts.

C. Tirone stated that this proposal is not the right proposal for this parcel. C. Tirone stated that the Commission needs to think of the entire pond and the future of the pond.

S. Chapnick, P. Heidell, and M. Nonni stated that the size of the proposed house was not under the purview of the Conservation Commission, and that the size of the proposed house is a zoning issue. S. Chapnick, P. Heidell, and M. Nonni stated that the Commission is tasked with determining the impact of the proposal and whether the proposed mitigation is sufficient.

C. Garnett suggested revising the alternatives analysis section of the Commission's regulations and that cumulative effects are difficult to evaluate.

N. Stevens stated that many public objections voiced in this process were zoning issues, not Conservation Commission issues. N. Stevens stated that if the public wants smaller houses, they need to go to Town Meeting and advocate for zoning changes.

C. Tirone stated that cumulative impacts focus on "unrelated but reasonably foreseeable actions" and that the Commission should focus on cumulative impacts of both Lots 1/A and 2/B.

S. Chapnick stated that although the Commission's regulations state that no building is allowed within 50-feet of a resource area, it permits building within 50-100-feet of a resource area with mitigation and Commission approval.

M. Nonni stated that the Commission has approved two similar projects recently that no members of the public opposed.

C. Tirone motioned to deny the proposal under the Local Bylaw, D. White seconded, two Commission members (D. White and C. Tirone) voted in favor, four Commission members opposed the motion, the motion failed.

P. Heidell motioned to approve the proposal under the Local Bylaw, S. Chapnick seconded, four Commissioners approved the motion, Commissioner Tirone opposed the motion, and Commissioner White abstained.

The Commission deliberated and agreed to apply the following conditions in addition to the Commission's standard conditions to the project's approval Order of Conditions:

- 1) At least 21 days prior to construction, the Applicant shall submit revised site plans reflecting any additions, additional details, and changes from the June 11, 2019 plans referenced in this Order of Conditions (Plans #2, 3, and 4) to the Commission for approval
- 2) At least 21 days prior to the start of construction, the Applicant shall submit a signed agreement between the Town of Arlington and Seaver Construction for the acceptance and maintenance of the off-site stormwater treatment unit
- 3) Prior to construction, the Applicant shall submit for Conservation Commission approval a restrictive covenant that any pervious surfaces shown on the plan outside of the Commission's jurisdiction shall remain

pervious. The restrictive covenant shall be enforceable by the Conservation Commission

- 4) The Applicant shall include the Arlington Conservation Commission's Agent on all communication related to the necessary Chapter 91 Licensing in order to move the location of the existing dock to the boundary of Lots 1/A and 2/B
- 5) At least 21 days prior to plant installation, the Applicant shall submit an invasive plant management plan to the Conservation Commission. The plan shall focus on invasive plant management for the vegetated buffer area. The plan's recommendations shall be performed by the Applicant and the recommendations shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition in perpetuity
- 6) Prior to plant installation, the Applicant shall hire an environmental monitor to oversee the installation of the vegetated buffer plantings installation. The environmental monitor shall be a certified landscape architect or landscape designer. A planting report must be submitted to the Conservation Commission within 10 days of the completion of the plant installation
- 7) The Applicant shall monitor all approved plantings for a period of three years after plant installation. The Applicant shall maintain 100% survival of all installed plantings after the first and second year of monitoring, and maintain a 90% survival of all installed plantings after the third (final) year of monitoring
- 8) The Applicant shall maintain 100% survival of the two approved replacement trees. This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition in perpetuity
- 9) The unmortared and dry laid stone wall approved to delineate the vegetated buffer area shall remain as unmortared and dry laid. This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition in perpetuity
- 10) The on-site infiltration system shall be maintained according to the manufacturer best management practices and operations/maintenance plan. The system shall be checked twice a year to ensure compliance with the best management practices and operations/maintenance plan. An annual report shall be submitted to the Conservation Commission and Town Engineer demonstrating that the operation and maintenance of the unit was performed per the manufacturer best management practices. This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition in perpetuity
- 11) The off-site Vortech unit shall be purchased and installed by the Applicant at the Applicant's expense. The Town of Arlington shall take over the maintenance of the unit per the conservations documented with the Town Engineer, only when the Town Engineer is satisfied with the

- function of the unit. The off-site unit shall be installed and operational within 12 months of the issuance of the Order of Conditions
- 12) There shall be no retaining wall over the existing sewer easement. Instead, the property shall be gradually graded to meet the existing contours
 - 13) At least 21 days prior to construction, the Applicant shall submit a revised retaining wall plan to be approved by the Conservation Commission Agent for approval

Request for OOC Extension: Upper Mystic Lake Treatment

DEP File Number: 091-0277

Documents Reviewed:

- 1) *Extension Permit for Order of Conditions for MassDEP #091-0277, issued 8/15/2019*
- 2) *Request for Extension Permit for Parker Road Neighbors - Arlington, MA submitted 7/24/2019*
- 3) *Order of Conditions for MassDEP #091-0277, issued 8/24/2016*
- 4) *Annual Report, Upper Mystic Lake, prepared by Solitude Lake Management, dated 12/13/2018*
- 5) *Annual Report, Medford Boat Club, prepared by Solitude Lake Management, dated 11/30/2018*

Resource Areas:

- 1) *Upper Mystic Lake*

K. Sliwoski presented the request for permit extension. S. Chapnick expressed concern for the water quality and ecosystem of the Upper Mystic Lake. S. Chapnick ask whether the Order of Conditions issued in 2016 for the treatment of Upper Mystic Lake could be modified to include the conditions issued in the Medford Boat Club Order of Conditions issued in 2018.

S. Chapnick asked K. Sliwoski whether there was coordination among the various clients with treatment contracts in the Mystic Lakes to create a comprehensive management plan. E. Sullivan stated that this may be an opportunity for the Mystic River Watershed Association's Resilient Mystic Collaborative. E. Sullivan will recommend the opportunity to the collaborative. N. Stevens and S. Chapnick recommended that Solitude submit a request for minor amendment to include the new conditions that the Commission would consider for a 2-year permit.

N. Stevens recommended extending the permit to 12/31/2019. D. White motioned to extend the permit to 12/31/2019, C. Tirone seconded, all were in favor, motion approved.

Notice of Intent (continued from 7/25/2019): Spy Pond Sand Bar Dredging

DEP File Number: 091-0310

Documents Reviewed:

- 1) *Spy Pond Dredge and Stormwater Improvements Notice of Intent, Arlington, MA, prepared by VHB, for the Applicant: Mass DOT Highway Division, dated July 1, 2019*
- 2) *Stormwater Management Memorandum, prepared by VHB, dated July 3, 2019*
- 3) *Photographic Log of Project Area, prepared by VHB, dated November 27, 2018, revised August 16, 2019*
- 4) *Existing Sediment Conditions Memorandum, prepared by VHB with documentation from Alpha Analytical, dated June 27, 2019*
- 5) *NOI Submittal Plan set, prepared by VHB and MassDOT, not stamped, dated July 3, 2019, revised August 29, 2019*
- 6) *Letter from Mass Wildlife NHESP regarding proposed dredging and stormwater improvement work at Spy Pond, dated July 23, 2019*
- 7) *Spy Pond Elutriate Sampling Results, prepared by VHB, dated August 28, 2019*
- 8) *NOI correction and correction letter to Bordering Land Subject to Flooding Impacts, prepared by VHB, dated July 16, 2019*
- 9) *Letter from MassDEP Waterways Regulation Program regarding proposed dredging and stormwater improvement work at Spy Pond, dated August 30, 2019*

Resource Areas:

- 1) *Spy Pond*
- 2) *100-Foot Wetlands Buffer Zone*
- 3) *Adjacent Upland Resource Area*
- 4) *Bordering Vegetated Wetland*
- 5) *Bordering Land Subject to Flooding*
- 6) *Land Under Waterbodies*
- 7) *Waterways*

L. Caputo and B. Cordeiro summarized the project proposal and the additional submitted items requested by the Commission. The additional items included a revised plan set with a full bank survey, a revised photo log of the work area, and elutriate (sediment leaching) results.

C. Tirone asked what material would be used to line the access point. L. Caputo stated that filter fabric and crushed stone would be used. L. Caputo also stated that an Enbridge gas line ran under the dewatering area.

S. Chapnick asked why the existing Spy Pond Park boat ramp could not be used for this project's access point. B. Cordeiro stated that since Land and Water Conservation Funds were used to update the park, any activity that is not recreation related would require a National Parks Service permit, therefore complicating the permitting process.

P. Heidell inquired about the feasibility to stacking the dewatering geotubes. The Applicant responded that there are cost and stability issues that make this option not feasible.

S. Chapnick inquired about levels of total suspended solids and lead potentially entering Spy Pond through the dewatering process, based on the elutriate test results. L. Caputo stated that the geotubes filter the water, and therefore the total suspended solids level will be lower when water re-enters the pond. She also stated that flocculants can be added to the sediments in the geotubes.

P. Heidell asked if environmental monitoring was required for dewatering. L. Caputo stated that it was, and that the dewatering process would follow all EPA procedures and if water samples surpass dewatering thresholds, the operation would be halted until any issues were resolved.

P. Heidell stated that since the dewatering pipes that would be laid from the geotubes to the pond are so flexible, no trees should be removed during the dewatering process.

S. Chapnick stated that when the dewatered sediment is removed from the geotubes, dust control standard operating procedures should be employed.

Public Comments

B. Barber stated that the Spy Pond Committee supported the project proposal.

K. Grossman asked how sediment dispersion would be prevented. N. Stevens stated that a turbidity curtain would be installed in the water, around the dewatering area and that hydraulic dredging minimizes dispersion.

B. Eykamp stated that he was not concerned with the water quality of the dewatered sediment.

C. Tirone motioned to close the hearing, M. Nonni seconded, all were in favor, motion passed.

C. Tirone motioned to approve the proposal under the Arlington Wetland Protection Bylaw and State Wetland Protection Act, M. Nonni seconded, all were in favor, motion passed.

The Commission deliberated and agreed to apply the following conditions in addition to the Commission's standard conditions to the project's approval Order of Conditions:

1. The Conservation Agent shall be invited to construction meetings
2. All construction meeting minutes shall be submitted to the Conservation Agent within 10 days of all construction meetings
3. The project shall dredge Spy Pond using only hydraulic dredging. The project bid shall call explicitly for hydraulic dredging only
4. The project bid and project specifications shall be submitted to the Conservation Commission when the project goes out to bid

5. Project signage shall be placed along the project site including a project summary and any pertinent safety information. A minimum of three signs per each topic (project summary and pertinent safety information) shall be installed around the project area
6. At least 21 days prior to construction, a dust mitigation plan using water as a dust control shall be submitted to the Conservation Commission. This dust mitigation plan shall be implemented through the duration of the project
7. A turbidity curtain shall be installed to contain any sedimentation within the pond per the approved plans. The turbidity curtain must remain through the entire duration of the dredging project and can only be removed five days after the dredging is complete
8. The approved temporary access to the pond shall utilize crushed stone on the ramp in order to minimize contamination to the pond. The temporary access area shall be restored to its existing condition or an improved condition. All existing benches and steps within the temporary access area shall be protected
9. Geotubes used for dewatering shall only be opened such that the material in the sections opened up can be removed during that work day. No geotubes shall remain open overnight
10. The EPA's Remediation General Permit (RGP) Standards shall be used to determine the status of the dredging and dewatering work. Project work shall immediately halt if any dredged sediment does not comply with the RGP Standards. The Commission shall be copied on all correspondence related to the RGP permit
11. A final restoration planting plan shall be submitted to the Conservation Commission 30 days prior to plant installation. The planting plan must be approved by the Conservation Commission Agent
12. No trees shall be disturbed during outfall restoration and improvement
13. All plantings planted and invasive species removed through this project shall be maintained for three years. A survival rate of at least 80% must be maintained for the approved plantings. A monitoring report shall be submitted annually in November for the three year monitoring period

Notice of Intent (continued from 6/20/2019): 36 Peabody Road

DEP File Number: 091-0313

Documents Reviewed:

- 1) *Notice of Intent for work at 36 Peabody Road, Arlington, MA, prepared by Applicant Eliza Hatch, dated June 6, 2019, revised September 3, 2019*
- 2) *Hatch-Jessen Back Yard Hardscape Plan, prepared by Rue Sherwood Landscape Design LLC, dated March 11, 2019*
- 3) *Hatch-Jessen Back Yard Planting Plan, prepared by Rue Sherwood Landscape Design LLC, dated March 11, 2019*
- 4) *Letter from Mass Wildlife NHESP regarding proposed work at 36 Peabody Road, dated June 19, 2019*
- 5) *Wetland Delineation Report for 36 Peabody Road, prepared by Mary Trudeau, dated August 21, 2019.*

- 6) *36 Peabody Road Conservation Plan and Survey, prepared by Rober Survey, stamped by Clifford E Rober PLS, dated September 4, 2019*

Resource Areas:

- 1) *Spy Pond*
- 2) *100-Foot Wetlands Buffer Zone*
- 3) *Adjacent Upland Resource Area*
- 4) *Bordering Vegetated Wetland*
- 5) *Bank*

I. Jessen and E. Hatch presented the application. The application proposes stabilizing and vegetating the backyard of their property, which abuts Spy Pond. The backyard is of steep grade. The proposed project would stabilize the backyard through the construction of retaining walls, and would vegetate the backyard slope with native plants. A walkway would also be built along with the retaining walls, providing a safe route of access to the pond's edge.

E. Hatch stated that she had not yet received a response from Mass Wildlife's Natural Heritage and Endangered Species Program in regards to the application.

E. Hatch stated that all proposed work would be completed by hand, with no heavy machinery. Existing concrete blocks at the water's edge / bank will not be disturbed. The project proposes to remove an existing hedge and fence at the top of the Bank within the 25-foot buffer of Spy Pond and replace with native plants.

C. Tirone motioned to close the hearing, D. White seconded, M. Nonni recused himself as he was not present for the initial hearing. All remaining Commissioners all were in favor, motion approved.

C. Tirone motioned to approve the NOI with the discussed standard conditions under the Wetlands Protection Act and Arlington Wetlands Protection Bylaw, D. White seconded, all were in favor, motion approved.

Enforcement Order: 0-Lot Pond Lane Parcel ID 121-6-2

Documents Reviewed:

- 1) *Enforcement Order, dated 8/7/2019*
- 2) *Notice of Enforcement Order, dated 8/7/2019*

Resource Areas:

- 1) *Spy Pond*
- 2) *100-Foot Wetlands Buffer*
- 3) *Adjacent Upland Resource Area*

E. Sullivan summarized the enforcement order. Vegetation on Park and Recreation Commission owned land was clear-cut without Town approval. E. Sullivan spoke to the Recreation Director and Tree Warden about appropriate

restoration. The Park and Recreation Commission agreed to allow the party responsible for clear-cutting to restore the site. E. Sullivan will work with the party to develop a restoration plan to present to the Commission. The restoration work will likely begin in Spring 2020.

The Commission requested a Planting Plan consistent with Town Wetland Regulations.

D. White motioned to modify the Enforcement Order to require a planting plan, P. Heidell seconded, all were in favor, motion approved.

Notice of Intent: 86 River Street

No DEP File Number because RDA

Documents Reviewed:

- 1) *Notice of Intent for work at 86 River Street, Arlington, MA, prepared by LEC Environmental, for the Applicant: Frank Balurdi, dated August 22, 2019*
- 2) *86 River Street Smooth Automotive Schematic Design D1, Existing Site and Extent of Demolition Plan, prepared by Laura Notman Architect, dated August 13, 2019, revised August 28, 2019*
- 3) *86 River Street Smooth Automotive Schematic Design S1, Site Rendering Plan, prepared by Laura Notman Architect, dated August 13, 2019, revised August 28, 2019*
- 4) *86 River Street Plot Plan, prepared by Lanata & Associates Inc, dated August 12, 2019*
- 5) *86 River Street Smooth Automotive Schematic Design S2, Planting Plan, prepared by Laura Notman Architect, dated August 28, 2019*
- 6) *86 River Street Smooth Automotive Schematic Design A2, Elevations, prepared by Laura Notman Architect, dated August 28, 2019*
- 7) *86 River Street Smooth Automotive Schematic Design A5, Views, prepared by Laura Notman Architect, dated August 28, 2019*

Resource Areas:

- 1) *Mystic River*
- 2) *200-Foot Riverfront Area*

R. Kirby summarized the project proposal. The project proposes converting a gas station into an automotive shop that is partially within the 200-ft Riverfront Buffer. The project proposes landscaping the southeastern portion of the site, which is within the 200-ft Riverfront Area, with native vegetation. The site currently has no vegetation. The project would result in a roughly 1,390 square foot reduction of impervious surface overall, with 790 square foot reduction of impervious surface within the 200-foot Riverfront Area. The structure is outside of the Riverfront Area.

S. Chapnick noted that climate change resilience was not included in the project narrative, as required by Section 31 of the local regulations. R. Kirby indicated that he would submit text to address climate change resilience and asked that the

Commission close the hearing but make the submission of narrative on climate change resilience a condition.

C. Tirone asked according to 10.58 redevelopment what project components are considered an improvement over existing conditions to improve the capacity of the 200-ft Riverfront Area as required by the Wetlands Protection Act and local regulations. R. Kirby stated the significant reduction in impervious surface and installation of native plantings are considered the site improvements.

M. Nonni noted that although not considered improvements under the Act and local regulations, the proposed bike rack and electric vehicle charging stations were beneficial additions and consistent with climate change concerns.

P. Heidell stated that the post-construction stormwater runoff rates will be lower than the pre-construction stormwater runoff rates with the reduction of impervious surface and addition of vegetated area.

S. Chapnick motioned to close the hearing, D. White seconded, all were in favor, motion approved.

P. Heidell motioned to approve the NOI with the discussed standard conditions under the Wetlands Protection Act and Arlington Wetlands Protection Bylaw, M. Nonni seconded, five Commissioners were in favor, Commissioner C. Tirone opposed, motion approved.

Meeting adjourned at 10:45pm.